

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)
vs.) Case No. 1:05-cr-17
MICHAEL ACEVEDO) JUDGE EDGAR
) MAGISTRATE JUDGE LEE
)

O R D E R

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:
(1) grant Defendant's motion to withdraw his not guilty plea to Counts Two and Three of the Indictment; (2) accept Defendant's plea of guilty to Counts Two and Three of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts Two and Three of the Indictment; and (4) find Defendant shall remain in custody until sentencing in this matter [Doc. 17]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 17] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Counts Two and Three of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Counts Two and Three of the Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts Two and Three of the Indictment; and
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is

scheduled to take place on **Wednesday, March 4, 2009 at 1:30 p.m.** before the Honorable R. Allan Edgar.

SO ORDERED.

ENTER this the 21st day of November, 2008.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE